

### **AMENDMENTS TO THE CLAIMS**

Please amend claims 1-6, 8, and 11, add new claim 17, and cancel claims 15 and 16, as shown in the following listing of claims, which will replace all prior versions and listings of claims in the application. Please cancel claims 15 and 16 without prejudice to their pursuit in an appropriate continuation or divisional application.

#### **Listing of claims:**

1 (currently amended). An isolated DNA ~~containing~~ comprising an uncoupling protein-2 (UCP-2) promoter region, comprising a regulator sequence, wherein the regulator sequence is a sequence which comprises all or part of the base sequence consisting of nucleotides 1 to 2270 of SEQ ID NO: 1, wherein the part of the base sequence comprises a regulator sequence selected from the group consisting of:

- a. a peroxisome proliferator response element (PPRE) sequence comprising nucleotides 284 to 296 of SEQ ID NO: 1;
- b. a CCAAT/enhancer binding protein (C/EBP) sequence comprising nucleotides 1316 to 1320 of SEQ ID NO: 1, nucleotides 1364 to 1368 of SEQ ID NO: 1, or nucleotides 1698 to 1692 of SEQ ID NO: 1;
- c. a glucocorticoid response element (GRE) sequence comprising nucleotides 753 to 758 of SEQ ID NO: 1, nucleotides 1023 to 1030 of SEQ ID NO: 1, or nucleotides 1450 to 1455 of SEQ ID NO: 1; and
- d. a MyoD-binding sequence comprising nucleotides 1428 to 1437 of SEQ ID NO: 1.

2 (currently amended). The isolated DNA described in claim 1 wherein the regulator sequence ~~is~~ comprises a peroxisome proliferator response element (PPRE).

3 (currently amended). The isolated DNA described in claim 1 wherein the regulator sequence ~~is~~comprises a CCAAT/enhancer binding protein (C/EBP) binding sequence.

4 (currently amended). The isolated DNA described in claim 1 ~~wherein the promoter region is a base sequence comprising nucleotides 1 to 2270 of SEQ ID NO: 1 or a fragment thereof~~wherein the part of said base sequence is a base sequence presented by position 255 to 430 of SEQ ID NO: 1, position 255 to 717 of SEQ ID NO: 1, position 717 to 1133 of SEQ ID NO: 1, position 1133 to 1389 of SEQ ID NO: 1, position 255 to 1857 of SEQ ID NO: 1, position 571 to 2270 of SEQ ID NO: 1, position 717 to 2270 of SEQ ID NO: 1, position 1133 to 2270 of SEQ ID NO: 1 position 1389 to 2270 of SEQ ID NO: 1, or position 1634 to 2270 of SEQ ID NO: 1.

5 (currently amended). A recombinant vector ~~containing~~comprising the DNA described in claim 1.

6 (currently amended). The recombinant vector described in claim 5, which comprises a DNA ~~containing~~comprising a structural gene under control of the UCP-2 promoter region ~~containing~~comprising the regulator sequence.

7 (previously presented). A transformant transformed by the recombinant vector described in claim 5.

8 (currently amended). A method for screening for a compound or its salt that promotes or inhibits a UCP-2 promoter activity ~~characterized by which~~comprises measuring and comparing polypeptide expression between the expression level of the structural gene in the transformant of claim 7 contacted to a first sample of the compound or its salt and that in a control transformant, with no UDP-2 promoter, contacted to a second sample of the compound or its salt, and comparing the expression levels thereof.

9. – 10. (canceled)

11 (currently amended). A kit for screening for a compound or its salt that promotes or inhibits UCP-2 promoter activity, which comprises:

- a. ~~a cell culture medium comprising Dulbecco's modified Eagle's medium (DMEM) supplemented with fetal calf serum (FCS) for culturing a host animal cell line;~~
- b. ~~a cell differentiation medium comprising Dulbecco's modified Eagle's medium (DMEM) supplemented with rabbit serum;~~

~~[[c.]]~~ b. a plasmid for measurement of UCP-2 promoter activity comprising:

- i. ~~a pGL3 basic plasmid DNA carrying [[the]] a UCP-2 promoter sequence which comprises all or part of the base sequence consisting of nucleotides 1 to 2270 of SEQ ID NO: 1, which the part of the base sequence comprises a regulator sequence selected from the group consisting of:~~
  - ~~(a) a peroxisome proliferators response element (PPRE) sequence comprising nucleotides 284 to 296 of SEQ ID NO: 1;~~
  - ~~(b) a CCAAT/enhancer binding protein (C/EBP) sequence comprising nucleotides 1316 to 1320 of SEQ ID NO: 1, nucleotides 1364 to 1368 of SEQ ID NO: 1, or nucleotides 1698 to 1692 of SEQ ID NO: 1~~
  - ~~(c) a glucocorticoid response element (GRE) sequence comprising nucleotides 753 to 758 of SEQ ID NO: 1, nucleotides 1023 to 1030 of SEQ ID NO: 1, or nucleotides 1450 to 1455 of SEQ ID NO: 1; and~~
  - ~~(d) a MyoD-binding sequence comprising nucleotides 1428 to 1437 of SEQ ID NO: 1; and~~
- ii. a structural gene inserted downstream of the UCP-2 promoter; and

[[d.]]c. a host animal cell line ~~comprising an MG-63 cell line; and~~  
e. ~~a compound or its salt.~~

12. – 16. (canceled)

17 (new). The kit of claim 11, wherein the structural gene is a luciferase gene.